we have included this term. I am sorry, Sir, I cannot accept the amendment of the hon. Member."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. DR. T. S. S. RAJAN :—" Sir, I move—

'*that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS PROHIBITION (SECOND AMENDMENT) BILL, 1938 (L.A. BILL NO. 18 OF 1938), AS PASSED BY THE ASSEMBLY.

12-30 p.m. * THE HON. SRI C. RAJAGOPALACHARIAR :—" Mr. President, I beg to move—

'*that the Bill*[a] *further to amend the Madras Prohibition Act,* 1937, *for certain purposes* (*L.A. Bill No.* 18 *of* 1938) *as passed by the Assembly be taken into consideration at once.*'

" The Bill has been circulated. It is an amending Bill. The object of it is to meet the opposition with regard to certain sacramental wines that are necessary for religious purposes, for the performance of certain rites in acordance with ancient custom. Some objection was raised relating to exemptions being placed with regard to permits. They want a statutory provision, though, in practice, it makes no difference and the Government tried to satisfy and explain the position. But in order to give complete satisfaction, the present amendment is proposed. The main object of this amendment is that the Provincial Government is bound to make suitable provision for issuing 'Authorities' to persons and institutions for the possession and use of such liquor as may be required by them for any *bona fide* religious purpose in accordance with ancient custom under such terms and conditions and penalties for infringement as may be prescribed. No particular mention is made with regard to caste and the law has to be so framed that any denomination may take advantage of it. I hope, Sir, the Indian Christian community is satisfied with this provision. As a matter of fact there is no danger of any kind and the experience of the past twelve months has shown that no difficulty

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a Printed as Appendix XI on pages 87-88infra.

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has been felt with regard to mass wine or any other wines. Any way, the statutory provision would make the provision more satisfactory and so this amending Bill was introduced. I beg to move for the consideration of the Bill. It was passed in the Assembly without any difference."

* MR. S. J. GONSALVES :—" Sir, I am glad to know that the Government think it fit to introduce this Bill. It goes one step forward. But I do not think it goes sufficiently far. As the Hon. the Prime Minister just said, it improves the position. I see it improves the position, but not to the extent that the people affected would like it improved. When the Prohibition Act was introduced, I moved an amendment that the wine wanted for the mass should be exempted from the operation of the Act. The Prime Minister opposed the amendment and argued that there were provisions in the Act for permits and said that by means of those permits the people concerned could get the wine that was wanted. Well, Sir, the Government probably think that the people affected objected to the word 'permit' and that is probably the reason why it is being removed. A concession to sentiment is made by the substitution of the word 'Authority' for the word 'permit.' But I ask whether the real objection is met by this Bill. I have no hesitation in saying that the real objection is not at all met by this Bill. The word 'Authority' is not sufficient. It seems to me that the word 'exemption' should be brought in and I hope that the Government will soon see the necessity for improving the position further by changing the word 'Authority' into the word 'exemption.' All through this Bill, it looks as if the right has been taken away and the right has been given back as a grace to the people affected. Government have no right to take away the religious rights of people. If, for certain religious purposes, the possession and use of wine is wanted, the Government should not take it away. Government should provide for that right by exempting it altogether from the operation of the Act. Still I stick to the position I advanced when the original Bill was first brought into this House. I do not oppose the present Bill. In so far as it goes a step forward, I am thankful to the Government. But I ask them to go another step forward soon enough and exempt mass wine altogether from the operation of the Act."

* MR. J. A. SALDANHA :—" Mr. President, I myself brought an amendment to the original Bill altogether exempting the liquor required for religious purposes also from the operation of the Act. The Government at that time did not see their way to give that exemption, and relied upon the 'permit' system. Sir, for the word 'permit' they have substituted the word 'authority,' but we wanted a *statutory* exemption for liquor required for religious purposes according to ancient custom.

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In reply to my question the Prime Minister was pleased to say that there was no necessity for it. They have at last found it necessary now to introduce this amending Bill. I greatly appreciate that the Prime Minister has thought it fit to bring this Bill to meet the legitimate demands of several communities, specially Catholics, to which community I belong. Of course it does not go as far as we sought, that is, altogether exempting from the operation of the Act the liquor required for religious purposes. But the Hon. the Prime Minister has depended upon precedents and in this case the precedent is the exemption provided for such purposes in the famous United States of America Total Prohibition Act. I myself printed a small pamphlet on the subject drawing the attention of the public and the Prime Minister to it. I did that with very great difficulty after hunting out the American Act and brought it to the notice of the Government and especially Mr. Varkey, the Parliamentary Secretary, who must have placed this before the Prime Minister. I am glad the Government have seen the light, though not the full light, and come forward to remove the objection on the lines of the American Law. The same amendment has been introduced in the United Provinces and the Bihar Prohibition Act. I must express the gratitude of the community to which I belong for this change of angle of vision on the part of the Prime Minister, who, though at first very obstinate, at least now when we knocked and prayed, opens the door and admits that he has made a mistake and sees the reason to concede the legitimate demands of the minority community as it is."

* THE HON. SRI C. RAJAGOPALACHARIAR :—" I feel extremely gratified that Mr. Saldanha has expressed so generously his satisfaction with this Bill. While appreciating it, let me plead not guilty to the charge which he has quietly laid in trying to thank me, that I am generally obstinate. I am inclined to return the charge, viz., that in this matter it is he who has been obstinate. Everything was done from the very outset and yet he has been complaining. In the United States of America that he referred to, does he not know that the clergymen, priests and ministers make an application which is a formal written request supported by a verified statement of facts so that the Commissioner may grant the request? All priests, etc., were required to keep a full account of purchase and disbursement of wine, and had to produce the same sworn to before the Administrator whenever making an application, or when so required by the Administrator. Under the Madras system priests and ministers of religion require nothing more than an annual 'Authority' which is issued, on application, by the Collector and which covers the possession and acquisition of wine for sacramental purposes for a whole year. This matter has been simply

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easy and not a single difficulty has so far arisen. Yet they have been complaining. It is because they were obstinate that this Bill has been brought. It is not as if my obstinacy has been moved by persistence on the other side. Exemption has a different meaning as applied to different things. When beverage wine is referred to, that can be used for beverage purposes and there is nothing intrinsical in the wine preventing it from being used for anything other than beverage. It may be used now for religious purposes and at some other time for other purposes. Permit or authority implies the previous state of things, but for personal reasons it has been removed and priests have been authorised to keep this wine.

" This is not a mere verbal change; there is difference in the attitude of the man who applies for granting these exemptions on application. The 'Authorities' which the officers are bound to give are different from permits which they may or may not give. That is the position: there is no difficulty in the working of the Bill; large quantities of wine may be retained and the chief Bishop may, on his own authority, distribute it to others; all these conveniences have been provided for and there is no interference in these matters at all. Therefore I ask Mr. Saldanha and members of his community to accept this Bill without any mental reservation whatsoever. The Bill meets the requirements of the case in every legitimate manner. I hope the House will accept this Bill without any change." 12-45 p.m.

The motion was put and carried and the Bill was taken into consideration.

Mr. PRESIDENT:—" As no notice of amendments has been given, I put clauses 2, 3 and 4 together to the House."

Clauses 2, 3 and 4 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* The Hon. Sri C. RAJAGOPALACHARIAR:—" I move—

' that the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

(3) THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMINT) BILL 1938 (L.A. BILL NO. 19 OF 1938), AS PASSED BY THE ASSEMBLY.

The Hon. Sri B. GOPALA REDDI:—" Sir, I move—

' that the Bill [a] further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes (L.A. Bill No. 19 of 1938) as passed by the Assembly be taken into consideration at once.'

a Printed as Appendix XII on pages 88–90 12 infra.